STATUTORY INSTRUMENTS

1974 No. 465

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The Sale of Goods at Maternity and Child Health Clinics (Designation and Charging) Regulations 1974

Made - - -	18*th March* 1974
Laid before Parliament	26*th March* 1974
Coming into Operation	1*st April* 1974

The Secretary of State for Social Services, in relation to England, and the Secretary of State for Wales, in relation to Wales, in exercise of their powers under section 2(2) of the National Health Service Reorganisation Act 1973(**a**) and of all other powers enabling them in that behalf, hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Sale of Goods at Maternity and Child Health Clinics (Designation and Charging) Regulations 1974, and shall come into operation on 1st April 1974.

Interpretation

2.—(1) In this order unless the context otherwise requires—

"cost price" means the actual cost of an article payable by an area health authority after any deductions in respect of discount or rebate and including any transport or delivery charges due to the supplier by that area health authority in respect of the article;

"clinic" means a maternity and/or child health clinic formerly provided by a local health authority, and includes such a clinic situated in a health centre or a hospital;

"hospital" shall have the meaning ascribed to it under section 79(1) of the National Health Service Act 1946(**b**);

"local health authority" shall have the meaning ascribed to it by section 19(1) of the National Health Service Act 1946, and shall include an authority exercising functions under a delegation scheme made under section 47 of the Local Government Act 1958(**c**);

(a) 1973 c. 32. (b) 1946 c. 81. (c) 1958 c. 55.

"the Act" means the National Health Service Reorganisation Act 1973.

(2) In these regulations, unless the context otherwise requires, references to any enactment shall be construed as references to that enactment as amended, extended or applied by or under any other enactment or by these regulations.

(3) The Interpretation Act 1889(a) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

Designation of a facility under section 2 of the Act

3. The sale by area health authorities in their clinics of goods appropriate to promotion of the health of expectant and nursing mothers and young children shall be a facility designated under section 2(2)(*d*) of the Act.

Making and recovery of charges

4. Without prejudice to regulation 5 hereunder a clinic provided by an area health authority after 1st April 1974 shall make and recover charges for the sale of goods mentioned in the foregoing regulations, and such charges shall be a sum of money in respect of each article equal to the cost price of that article to the area health authority plus a sum in respect of handling charges of ten per cent of the cost price, but so that such charge shall be calculated to the nearest half penny, provided that:

where any of the said goods are of a class in respect of which the Restrictive Practices Court has made an order directing them to be exempt for the purposes of the Resale Prices Act 1964(b) as it applies to persons other than the Crown a charge may be made for the goods in accordance with an agreement between the area health authority and the supplier of the goods thereto notwithstanding that the charge is higher than that mentioned in the foregoing provisions of this article.

Exemption from charge

5. Where before 1st April 1974 having regard to the means of those concerned exemption was made by a local health authority from its charges under section 22(2) of the National Health Service Act 1946 in respect of proprietary brands of milk for babies supplied in respect of a child by any one of its clinics, then as from 1st April 1974 the area health authority having the said clinic under its jurisdiction shall make exemption in respect of that child from its charges under these regulations for proprietary brands of milk for babies supplied for that child.

Barbara Castle,
Secretary of State for Social Services.

15th March 1974.

John Morris,
Secretary of State for Wales.

18th March 1974.

(a) 1889 c. 63.

(b) 1964 c. 58.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations designate the sale by area health authorities in their maternity and/or child health clinics of goods suitable for expectant and nursing mothers and young children as a facility under section 2(2)(*d*) of the National Health Service Reorganisation Act 1973. The Regulations also provide for charging in respect of the goods and make provision for exemption from charges in respect of the supply of proprietary brands of milk for babies for children for whom exemption from charges was made before 1st April 1974.

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